

C 106—Summons with Notice, Blank Court.
Personal Service, 1-79

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SUPREME COURT STATE OF NEW YORK
COUNTY OF KINGS

MARIO ORELLANA

Plaintiff

against

DIOCESE OF BROOKLYN

Defendant

Index No.

Plaintiff designates

KINGS
County as the place of trial

The basis of the venue is
DEFENDANTS RESIDENCE

Summons with Notice

Plaintiff resides at

County of

To the above named Defendant

You are hereby summoned to answer the complaint in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded herein.

Dated, SEPTEMBER 23, 2019

Defendant's address:

310 PROSPECT PARK WEST BROOKLYN, NY 11215

Notice: The nature of this action is

DAMAGES FOR PERSONAL INJURY

The relief sought is IN EXCESS OF THE JURISDICTIONAL LIMITS
OF ALL LOWER COURTS

Jonah Grossman
JONAH GROSSMAN

Attorney(s) for Plaintiff
Office and Post Office Address
187-26 PERTH RD.
JAMAICA, NY 11432
212-233-2277

Upon your failure to appear, judgment will be taken against you by default for the sum of \$
with interest from 15 and the costs of this action.

SUPREME COURT: STATE OF NEW YORK
COUNTY OF KINGS

-----X

MARIO ORELLANA,

Plaintiff,

COMPLAINT

-against-

DIOCESE OF BROOKLYN,

INDEX #

Defendant

-----X

Plaintiff by his attorney upon information and belief
complaining of the defendant, alleges as follows:

1. At all times hereinafter mentioned defendant was
a Not for Profit entity duly organized and existing pur-
suant to the laws of the State of New York.

2. At all times hereinafter mentioned LEONARD DIVITTORIO
was an employee of defendant.

3. At all times hereinafter mentioned plaintiff was
an alter boy and active participant at Our Lady of Mount
Carmel church located in Astoria, Queens.

4. At all times hereinafter mentioned LEONARD DIVITTORIO
was employed by defendant at Our Lady of Mount Carmel church.

5. That plaintiff was born in the year 1960 and was at
the times hereinafter mentioned between approximately ten to
twelve (10-12) years of age.

6. That between the years of approximately 1970-1972
the defendants employee LEONARD DIVITTORIO sexually abused
and assaulted the plaintiff.

7. That all of the abuse and assaults occurred at the church

8. That the acts of LEONARD DIVITTORIO were criminal acts as defined in New York State Penal Law Section 130.

9. That the acts of LEONARD DIVITTORIO constituted sexual offenses as defined in New York State Penal Law Section 130.

10. That the acts of LEONARD DIVITTORIO constituted felonies pursuant to New York State Penal Law Section 130.

11. That the acts of LEONARD DIVITTORIO were permitted to extend for an almost two year period without action to stop or prevent such acts by the defendant.

12. That defendant knew or should have known of the acts of LEONARD DIVITTORIO and undertaken action to make a criminal complaint and/or other action to dismiss him from employment and from being in contact with the plaintiff and/or other young boys.

13. That defendant was negligent in its hiring, retention and supervision of LEONARD DIVITTORIO.

14. That defendant is liable for the acts of its employee(s) pursuant to the doctrine of respondent superior.

15. That the defendant was negligent in failing to provide adequate security for the plaintiff and/or other children.

16. That as a result of the foregoing the plaintiff sustained both physical and mental/emotional damage.

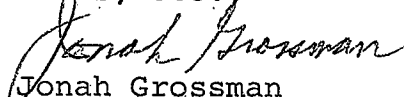
17. That the applicable Statute of Limitations for the within action was extended by The Child Victims Act and amendments to CPLR Sections 208 and/or 214(g), and this action has been timely commenced.

18. That as a result of the foregoing the plaintiff sustained damages in an amount in excess of the jurisdictional limits of all lower courts.

WHEREFORE, plaintiff demands judgment against the defendant in an amount in excess of the jurisdictional limits of all lower courts together with the costs and disbursements of this action.

Dated: Jamaica, NY
September 23, 2019

Yours, etc.



Jonah Grossman
Attorney for plaintiff
187-26 Perth Rd.
Jamaica, NY 11432
212-233-2277

STATE OF NEW YORK, COUNTY OF QUEENS

ss:

The undersigned, an attorney admitted to practice in the State of New York State

☐ certify that I compared the within with the original and found it to be a true and complete copy thereof.

Check Applicable Box

Attorney's
Certification
☒

Attorney's
Verification
by
Affirmation

I am the attorney(s) of record, for

Plaintiff

in the within action

, I have read the foregoing complaint

and know the contents thereof; the same are true to my knowledge, except as to the matters therein stated to be alleged on
information and belief; and as to those matters I believe them to be true. My belief, as to the matters therein not stated upon
knowledge, is based upon the following:

contents of file

The reason I make this affirmation instead of plaintiff is plaintiff does not reside
in the same county as where I have my office

I affirm that the foregoing statements are true under penalties of perjury.

Dated: SEPTEMBER 23, 2019

STATE OF NEW YORK, COUNTY OF

ss:

Jonah Grossman
(Type or print name below signature)
JONAH GROSSMAN

being sworn says: I am

Check Applicable Box

Individual
Verification
☐

Corporate
Verification
☐

in the action herein; I have read the foregoing

and know the contents thereof and the same are true to my knowledge, except as to the matters therein stated to be alleged
on information and belief, and as to those matters I believe them to be true.

the of

a corporation, one of the parties to the action; I have read the foregoing

and know the contents thereof; the same are true to my knowledge, except as to the matters therein stated to be alleged on
information and belief, and as to those matters I believe them to be true.

My belief, as to the matters therein not stated upon knowledge, is based upon the following:

Sworn to before me on

20

(Print signer's name below signature)

STATE OF NEW YORK, COUNTY OF

ss:

being sworn says: I am not a party to the action, am over 18 years c

age and reside at

On

20

, I served a true copy of the annexed

in the following manner:

☐

Service
by Mail

by mailing the same in a sealed envelope, with postage prepaid thereon, in a post-office or official depository of the U.S. Postal Service withi
the State of New York, addressed to the last known address of the addressee(s) as indicated below:

☐

Personal
Service

by delivering the same personally to the persons and at the addresses indicated below:

☐

Service by
Electronic
Means

by transmitting the same to the attorney by electronic means to the telephone number or other station or other limitation designated by th
attorney for that purpose. In doing so I received a signal from the equipment of the attorney indicating that the transmission was received
and mailed a copy of same to that attorney, in a sealed envelope, with postage prepaid thereon, in a post office or official depository of th
U.S. Postal Service within the State of New York, addressed to the last known address of the addressee(s) as indicated below:

☐

Overnight
Delivery
Service

by depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest tim
designated by the overnight delivery service for overnight delivery. The address and delivery service are indicated below

NOTICE OF ENTRY

Sir-Please take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on 20

Dated

Yours, etc.

JONAH GROSSMAN

Attorney(s) for

Office and Post Office Address

82-37 164 STREET
JAMAICA, NY 11432

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir-Please take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

One of the judges of the within named Court, at

on 20

at M.

Dated,

Yours, etc.

JONAH GROSSMAN

Attorney(s) for

Office and Post Office Address

82-37 164 STREET
JAMAICA, NY 11432

To

Attorney(s) for

Index No.

Year 20

SUPREME COURT: STATE OF NEW YORK
COUNTY OF KINGS

MARIO ORELLANA,

Plaintiff,

-against-

DIOCESE OF BROOKLYN,

Defendant

SUMMONS, COMPLAINT AND NOTICE
OF ELECTRONIC FILING

JONAH GROSSMAN

Attorney(s) for PLAINTIFF

Office and Post Office Address, Telephone

82-37 164 STREET 187-26 PERTH RD.
JAMAICA, NY 11432
212-233-2277

To

Attorney(s) for

Service of a copy of the within

is hereby admitted

Dated,

Attorney(s) for